

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE HAMILTON,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

Case No. 1:21-cv-01316-AWI-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR EVIDENTIARY HEARING

(ECF No. 20)

George Hamilton ("Plaintiff") is a state prisoner proceeding *pro se* with this action.

On September 7, 2021, Plaintiff filed a motion for an evidentiary hearing. (ECF No. 20).

Plaintiff argues that his institution of confinement miscalculated the average deposits to his prison trust account over the six-month period. Plaintiff requests an evidentiary hearing to resolve the issue.

Plaintiff's motion will be denied. It is irrelevant to this case whether Plaintiff's institution of confinement miscalculated the average deposits to his account. The Court has issued findings and recommendations, recommending that Plaintiff's application to proceed in forma pauperis be denied because Plaintiff is a "three-striker" and was not in imminent danger when he filed this action, and because Plaintiff can afford to pay the filing fee for this action. (ECF No. 19). The average deposits to Plaintiff's prison trust account played no role in the Court's analysis, and do

1 not otherwise appear to be relevant to this action.

2 Accordingly, IT IS ORDERED that Plaintiff's motion for an evidentiary hearing is
3 DENIED.

4 IT IS SO ORDERED.
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6 Dated: September 15, 2021

7 /s/ *Eric P. Groj*
8 UNITED STATES MAGISTRATE JUDGE

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